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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,293	12/21/2001	Robert Palmquist	1011-001US01	8120
28863	7590	01/19/2006	EXAMINER	
SHUMAKER & SIEFFERT, P. A. 8425 SEASONS PARKWAY SUITE 105 ST. PAUL, MN 55125			SPOONER, LAMONT M	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/026,293	Applicant(s) PALMQUIST, ROBERT	
	Examiner Lamont M. Spooner	Art Unit 2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-12, 16, 18, 19, 22, 26-29 and 31-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12, 16, 18, 19, 22, 26-29 and 31-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-12, 16, 18, 19, 22, 26-29, and 31-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Haritaoglu (InfoScope: Link from Real World to Digital Information Space)..

Haritaoglu teaches a method comprising:

capturing an image containing text in a first language with a digital camera of a device (p.248 Fig. 2, claim 1);

establishing with the device a wireless connection with a network (p.247-251, Fig 2, Fig. 4, claim 1).

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transmitting the image containing text into the first language from the device over the network via the wireless connection (ibid, claim 1);

receiving at the device translation of the text in a second language over the network via the wireless connection (ibid, claim 1); and

displaying at the device the translation of the text in the second language (ibid, claim 1).

receiving instructions to edit the image wherein transmitting the image comprises transmitting an edited version of the image (ibid, p.251, claim 2)

displaying the image (ibid, claim 3)

displaying the image and displaying the translation of the text in the second language simultaneously (ibid, Fig.4, claim 4)

wherein the image is a first image containing first text, the method comprising: transmitting a second image containing second text in the first language over the network (ibid, claim 6); and

receiving translation of the first text and the second text in the second text over the network (ibid, claim 6).

transmitting the first image and the second image over a network in response to a single command from a user (ibid.p.257-his automatic..., claim 7).

displaying one of the translation or the first text and the translation of the second text in response to a command from a user (ibid-inherent, claim 8).

compressing the image (ibid, claim 9).

receiving the image from an image capture device (ibid, claim 10).

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prompting a user to provide additional information comprising at least one of an account number, an identification of the first language, an identification of the second language, a dictionary and a server location (ibid, -inherent to the translation to a language, claim 11).

one of a wireless telecommunication network, a cellular telephone network... and the Internet (ibid, claim 12).

Claims 28 and 33 set forth limitations similar to claims 1 and 2, and are thus rejected for the same reasons and under the same rationale

As per claims 16, 18, 19, 22 (see rejection of previous claims-the different device inherent to the wireless transmission, p.248, 249-cell phone..., claim 22).

As per claims 26, 27, 29, and 31, 32, and 34-39, see previous rejections and pages 247-252, regarding all limitations).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571/272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER

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